

David K. Bowles (State Bar No. 210986)
BOWLES & JOHNSON PLLC
14 Wall Street, 20th Floor
New York, NY 10005
Telephone: (212) 390-8842
Facsimile: (866) 844-8305
E-mail: david@bojo.law

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VIKRAM KURIYAN,

Plaintiff,

v.

JOEL SCHREIBER and WATERBRIDGE
CAPITAL, LLC,

Defendants.

Case No. 1:23-cv-2381

**DECLARATION OF DAVID K. BOWLES IN SUPPORT OF PLAINTIFF'S REQUEST
FOR ENTRY OF A CLERK'S CERTIFICATE OF DEFAULT**

I, DAVID K. BOWLES, declare that the following statements are true and correct:

1. I am an attorney, and am counsel to plaintiff Vikram Kuriyan in this action. I make this declaration in support of plaintiff's request for entry of a clerk's certificate of default.

2. As further described herein, it appears to me that defendant Waterbridge Capital, LLC ("Waterbridge") has defaulted in this matter because it is not represented by counsel licensed to practice before this Court, and because an LLC must appear by counsel.

3. Waterbridge:

- a. Is not an infant or incompetent person;
- b. Is not in the military service;

- c. Was properly served under Fed. R. Civ. P. 4 and proof of service having been filed with the Court;
 - d. Has defaulted in appearance in the above captioned action.
- 4. This action was commenced with the filing of a complaint on March 21, 2023.
 - 5. An amended summons was issued on April 18, 2023.
 - 6. On May 8, 2023, I caused true and correct copies of the following papers to be served upon Waterbridge at the office of the Secretary of State of New York in the City of Albany:
 - a. The Summons in a Civil Action; and
 - b. Complaint; and
 - c. Civil Cover Sheet; and
 - d. Notice of Initial Pretrial Conference; and
 - e. Individual Rules of Practice in Civil Cases, Jennifer L. Rochon, United States District Judge; and
 - f. Rule 7.1 Statement.
 - 7. We filed an Affidavit of Service of Summons and Complaint in the above captioned matter on May 19, 2023 at Dkt. 10. Waterbridge's response to the Complaint was originally due May 30, 2023.
 - 8. On May 19, 2023, Waterbridge, Plaintiff, and *pro se* defendant Joel Schreiber ("Sreiber") filed a Stipulation of Extension of Time to Answer ("Stipulation"), extending the time for the defendants in this matter to answer the Complaint to June 15, 2023, which Stipulation was signed by Judge Rochon on May 19, 2023.

9. On June 7, 2023, the Court ordered that the Initial Pretrial Conference be adjourned to June 28, 2023.

10. The Court's June 7, 2023 order did not adjourn the due date for Waterbridge's answer to the Complaint.

11. On June 8, 2023, Schreiber wrote the Court informing it that his son was getting married and requesting a forty-five day extension to allow him to retain counsel.


12. On June 12, 2023 the Court ordered the Initial Pretrial Conference be adjourned to July 27, 2023 so that *pro se* defendant Schreiber may have additional time to retain counsel.

13. The Court's June 12, 2023 order did not adjourn the due date for Waterbridge's answer to the Complaint.

14. Under federal law Waterbridge cannot appear *pro se* and is therefore in default for failing to appear through counsel, and failing to plead or otherwise defend. Lattanzio v COMTA, 481 F3d 137, 139 (2d Cir. 2007).

15. I declare under penalty of perjury that the foregoing is true and correct to the best of my understanding and knowledge.

Executed on Wednesday, June 21, 2023.



David K. Bowles